

**UNITED STATES DISTRICT COURT  
for the  
Eastern District of Michigan  
Southern Division**

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DANIEL REIFF,

Plaintiff,

-vs-

Hon.  
Case No.

OFFICER BROC SETTY, in his individual  
capacity, and CLINTON TOWNSHIP

Defendants.

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**COMPLAINT**

NOW COMES the Plaintiff, Daniel Reiff, by and through his attorneys, MARKO LAW, PLLC, and for his Complaint against the above-named Defendants, states as follows:

## PARTIES

1. Plaintiff seeks to hold Officer Broc Setty liable under 42 U.S.C. § 1983 for his infliction of excessive force upon Daniel Reiff, during an April 2, 2021 encounter that culminated in Mr. Reiff's blindness.

2. Plaintiff's § 1983 claim against Officer Setty rests the Fourth Amendment right to be free from the use of excessive force.

3. Plaintiff is, and was at all times material to this complaint, a citizen of the United States, and a resident of the State of Michigan and the City of Chesterfield Township, Macomb County.

4. Defendant Broc Setty was a law enforcement officer with the Clinton Township Police Department and at all material to this complaint acting under the color of law.

5. The Charter Township of Clinton Police Department holds itself out as being committed to the values of integrity and fairness in its interactions with citizens.

## JURISDICTION

6. This Court has subject matter jurisdiction over the federal claims raised this action pursuant to 28 U.S.C. §§ 1331 and 1343.

7. Plaintiff seeks damages and declaratory relief to enforce federal rights under 42 U.S.C. § 1983. Plaintiff also seeks reasonable costs and attorney's fees under 42 U.S.C. §§ 1988 and 12205.

8. This Court has jurisdiction to issue declarator, and other relief under 28 U.S.C. §§ 2201 and 2202.

9. Venue is proper in the Eastern District of Michigan pursuant to 28 U.S.C. § 1391(b) because the events giving rise to this action occurred in Clinton Township, County of Macomb, State of Michigan.

### STATEMENT OF CLAIM

10. Officers of the Clinton Township Police Department responded to a citizen call that “two guys were walking through the neighborhood, and something didn’t seem right.”

11. Nothing in the dispatch call indicated that the suspicious person was assaultive.

12. Nothing in the dispatch call indicated that the suspicious person committed a crime.

13. Around the same time, Plaintiff Daniel Reiff was walking alone to a friend’s house in Clinton Township.

14. While Reiff was walking alone, Officer Hackstock stopped and attempted to speak with Reiff.

15. Officer Hackstock lacked reasonable suspicion to stop Reiff contrary to *Terry v. Ohio*, 392 U.S. 1, (1968).

16. Officer Hackstock saw a man walking down the road. He immediately jumped out of his cruiser and asked, “Where are you coming from?”

17. Reiff believed that, because he had done nothing wrong, he did not need to stay and talk with Hackstock.

18. Reiff responded, “I’m just walking down the road.”

19. Hackstock stated, “Come here.”

20. Reiff replied again, “I’m just walking down the road.”

21. Hackstock yelled and demanded Reiff, “Come here!”

22. Reiff ran away.

23. Officer Setty gave chase in his cruiser.

24. Setty sped the wrong way down a three-lane highway, needlessly endangering the public.

25. At some point, Setty exited his vehicle and a foot chase ensued.

26. While giving chase, Setty threatened to taze Reiff, and sadistically screamed, “Yeah baby! Whoooo!”

27. Setty eventually caught Reiff.

28. Reiff immediately surrendered and said, “I’m done.”

29. Reiff, winded from running, collapsed to all fours in order to catch his breath.

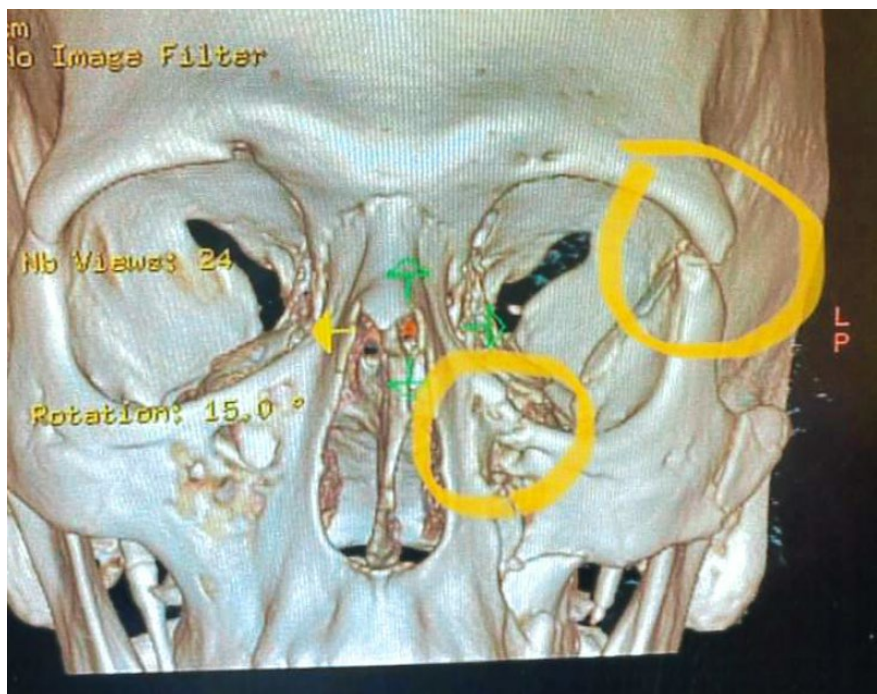
30. Setty demanded Reiff get on his “fucking stomach or I’ll punch you!”

31. Setty punched Reiff in the left eye.

32. The punch ruptured Reiff’s left eye and caused permanent blindness.



33. Dr. Josphe Metes took a CT scan, which found multiple orbital and facial fractures caused by Defendant Setty.



**COUNT I**  
**EXCESSIVE FORCE IN VIOLATION OF THE FOURTH AND FOURTEENTH**  
**AMENDMENTS TO THE U.S. CONSTITUTION & 42 U.S.C. § 1983**  
***(Against Defendant Broc Setty)***

34. Plaintiff Daniel Reiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

35. Plaintiff brings this action pursuant to 42 U.S.C. § 1983 alleging excessive force in violation of the Fourth and Fourteenth Amendments.

36. The Fourth Amendment of the U.S. Constitution protected Reiff from excessive force.

37. The Fourteenth Amendment of the U.S. Constitution extends the Fourth Amendment's protections to the states.

38. Defendant Broc Setty is "person," as defined under 42 U.S.C. § 1983, and as an agent of the Clinton Township and the Clinton Township Police Department, was acting under the color of state law at all times relevant to this action.

39. By punching Reiff in the face, fracturing his orbital bone, rupturing his left eye globe and leaving him blind, Defendant Setty acted under color of law with deliberate indifference, and violated Reiff's right under the Fourth Amendment to the U.S. Constitution to be free from excessive force.

40. The severity of the crime at issue was minor. "Two men walking down the street," and "something didn't seem right."

41. Reiff did not pose an immediate threat to the safety of the officers or others. Reiff harbored no weapons or made verbal threats to the officers.

42. At the time Defendant Setty punched Reiff, Reiff was not actively resisting arrest or attempting to evade arrest by flight. To the contrary, Reiff stated, “I’m done.”

43. Reiff’s right to be free from excessive force as described herein was clearly established at the time Defendant Setty punched him in the face.

44. Defendant Setty acted intentionally, maliciously, and in reckless disregard of Reiff’s rights.

45. As a proximate result of Defendants’ actions and inactions, Reiff suffered and continues to suffer emotional suffering, psychological injury, and trauma. Reiff continues to experience fear, distrust, and anxiety regarding law enforcement officers.

46. Reiff is entitled to declaratory relief, compensatory damages, punitive damages, and reasonable attorneys’ fees and costs.

**COUNT II**  
***MONELL LIABILITY IN VIOLATION OF 42 U.S.C. §1983***  
***(Against Clinton Township)***

47. Plaintiff Daniel Reiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

48. Plaintiff has been subjected to a deprivation of his constitutionally protected rights and privileges secured by the United States Constitution as set forth herein.

49. The foregoing rights were clearly established at the time of the violations.

50. Clinton Township failed to properly train, authorize, encourage or direct Setty on the proper use of force.



51. In the alternative, Defendant Sett acted in conformance with Clinton Township policy or practice of imposing unnecessary and excessive force.

52. The deprivations were caused by the series of deliberately indifferent policies, customs, and established practices, including inadequate training, by Clinton Township, acting under the color of its statutory and legal authority, including but not limited to:

- a. Implementing a policy and practice of imposing unnecessary and excessive force;
- b. Improperly training, authorizing, encouraging or directing officers on proper use of force.
- c. Failing to investigate allegations of excessive force.
- d. Failing to discipline officers for violations of policy related to excessive force.

53. These customs, policies, and practices of the Clinton Township Police Department, along with improper training, monitoring, instruction, direction, discipline, and supervision, were a moving force in the constitutional violations inflicted by the individual Defendant upon the Reiff.

54. This improper training, monitoring, instruction, direction, discipline, and supervision proximately caused the deprivation of Plaintiffs' constitutional rights.

55. Plaintiff's federal constitutional claims are cognizable under 42 U.S.C. §1983.

56. As a direct and proximate result of the unconstitutional acts of the Defendants as alleged herein, Plaintiff has sustained a violation of his rights under the law



and, as a result, is entitled to declaratory relief, compensatory damages, punitive damages, and reasonable attorneys' fees and costs.

### DEMAND FOR RELIEF

Plaintiff requests that this Court:

- a. Assert jurisdiction over this matter;
- b. Enter judgment in favor of Plaintiff and against Defendants;
- c. Award Plaintiff compensatory and punitive damages;
- d. Award costs and attorneys' fees pursuant to 42 U.S.C. § 1988 and 12205;  
and
- e. Grant other appropriate relief.

Respectfully submitted,

/s/ Michael L. Jones

Michael L. Jones (P85223)

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Date: March 2, 2023

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**JURY DEMAND**

Plaintiff, Daniel Reiff, by and through his attorneys, Marko Law PLLC, hereby  
demands a jury trial in this cause.

Respectfully submitted,

/s/ Michael L. Jones

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Date: March 2, 2023